

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 4, AMEND ARTICLE 3, SECTION 970

SPECIAL EQUIPMENT – INSIGNE FOR LICENSED PHYSICIANS CHP-R-04-05

PURPOSE OF REGULATIONS AND PROPOSED AMENDMENTS

The California Highway Patrol proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), related to insignie for licensed physicians.

Section 21058 of the California Vehicle Code (VC) authorizes the CHP to approve an official insignia for use by physicians traveling in response to an emergency. Section 21058 VC provides a physician with relief from the prima facie speed limits when displaying an insignia approved by the California Highway Patrol; however, this provision does not relieve a physician from their duty to drive with due regard for public safety.

13 CCR Section 970 was initially adopted in response to Section 21058 VC and the necessity for the California Highway Patrol to adopt regulation approving an official insignia. Apparently, based on discussions with the California Medical Association, the American Medical Association has yet to provide an official insignia to be used for this purpose. While the initial adoption of 13 CCR Sections 970 and 971 was made in a good faith effort by the California Highway Patrol to comply with the intent of the enabling statute, it has become overwhelmingly apparent the regulation will need to be revised in order to provide the medical industry with an approved insignia.

SECTION BY SECTION OVERVIEW

Section 790. Design of Physicians' Insignie.

Section 790 is revised to recognize the official insignia of California Medical Association, in place of the American Medical Association, as the approved insignia for use by physicians, pursuant to Section 21058.

STUDIES/RELATED FACTS

None.

ALTERNATIVES

The California Highway Patrol has not identified any alternative, including the no-action alternative, that would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the California Highway Patrol has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

Alternatives Identified and Reviewed

1. Make no changes to the existing regulations. This alternative was rejected because it fails to comply with the intent of Section 21058 VC, leaving the regulation without a mechanism to enact the provisions of the enabling statute.
2. Repeal the existing regulations. This alternative was rejected because it fails to comply with the provisions of Section 21058 VC.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ON BUSINESS

The California Highway Patrol has not identified any significant adverse impact on businesses.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant increased costs for members of the medical community;
- No significant compliance cost for persons or businesses directly affected by this rulemaking;
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;

- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses, as these standards have been adopted at the federal level and apply uniformly to all states.